

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

BARRY PORTNOY,

Debtor.

)
)
) **Chapter 7**
)
)
) **Case No. 14-16081-mdc**
)

AMENDED ORDER

Upon consideration of the Chapter 7 Trustee's Motion ("Motion") for an order pursuant to 11 U.S.C. § 105 and Fed. R. Bankr. P. 9019 approving the Settlement Agreement and Release (the "Agreement"); and the Court having reviewed the Motion; it appearing to the Court that: (a) it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having determined that the legal and factual basis set forth in the Motion establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

- (1) the Motion is GRANTED;
- (2) the Trustee shall be, and hereby is, authorized to enter into and perform his obligations under the Agreement attached to the Motion;
- (3) the Agreement and the terms and releases set forth therein shall be, and hereby are, APPROVED and are incorporated by reference into this Order as if fully set forth herein and the Parties shall proceed in accordance with and as set forth therein.
- (4) upon this Order becoming a Final Order:
 - a. all pending motions in the Adversary Actions (as defined in the Agreement) shall be considered moot and the 2/15/18 Restraining Order and Preliminary Injunction

(Docket No. 176 in Adversary Case No. 16-00248-mdc) shall be vacated in its entirety and the underlying motion marked moot, except for the Trustee's Motion to Approve Agreement by and between the Trustee and Republic Bank to Jointly Pursue and Allocate Funds Recovered in Connection with Claims, filed on November 22, 2016 at 14-16081, D.I. 410 (the "Allocation Motion");

- b. all pending motions of the Trustee and/or Republic in the Bankruptcy (including Republic's Motion to Strike Lien (Docket No. 436)) and the Adversary Actions against the Debtor, the Non-Debtor Defendants and/or VCI shall be considered moot.

Dated: November 13, 2018



MAGDELINE D. COLEMAN
UNITED STATES BANKRUPTCY JUDGE